

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DWAYNE B., by his next friend, John Stempfle,)	
<i>et al.</i> , for themselves and others similarly)	
situated,)	
)	
Plaintiffs,)	No. 2:06-cv-13548
)	Hon. Nancy G. Edmunds
)	
v.)	Class Action
)	
)	
GRETCHEN WHITMER, in her official capacity as)	JOINT STIPULATION
Governor of the state of Michigan, <i>et al.</i> ,)	AND MEMORANDUM
)	REGARDING
Defendants.)	PLAINTIFFS’
)	ATTORNEYS’ FEES
)	AND EXPENSES FOR THE
)	PERIODS 7/1/2022 –
)	12/31/2022, 10/1/2023 –
)	12/31/2023, AND 1/1/2024 –
)	6/30/2024

Attorney for Plaintiffs:

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PLAINTIFFS’ AND DEFENDANTS’ JOINT STIPULATION AND MEMORANDUM
REGARDING PLAINTIFFS’ ATTORNEYS’ FEES AND EXPENSES FOR THE
PERIODS 7/1/2022 – 12/31/2022, 10/1/2023 – 12/31/2023, AND 1/1/2024 – 6/30/2024

Plaintiffs and Defendants (the “Parties”) jointly stipulate pursuant to Federal Rule of Civil Procedure 23(h) for approval of the court-appointed Class Counsel’s request for attorneys’

fees and expenses, under 42 U.S.C. § 1988, in the amount of \$47,827.19 for ongoing enforcement activities of Plaintiffs' class counsel during the post-judgment periods running from July 1, 2022 – December 31, 2022, October 1, 2023 – December 31, 2023, and January 1, 2024 – June 30, 2024. Parties have agreed on a Proposed Order Regarding Section 1988 Attorneys' Fees and Expenses, attached for the Court's consideration.

During the above period, Plaintiffs' counsel conducted monitoring activities in relation to the implementation and enforcement of the Modified Implementation, Sustainability and Exit Plan. ("MISEP"). These efforts included review of monitoring reports, progress on corrective actions and preparation to conduct negotiation on an amended MISEP.

The Parties have reached agreement on this fee recovery through the course of arm's-length negotiations conducted by the parties through their respective counsel. The Parties stipulate and agree that the fees settlement constitutes a fair, reasonable and adequate resolution of Plaintiffs' claim for attorneys' fees and expenses for the period. The Parties further stipulate and agree that neither Plaintiffs nor Plaintiffs' counsel will recover any additional fees, costs, expenses or expenditures of any kind from Defendants for the July 1, 2022 – December 31, 2022, October 1, 2023 – December 31, 2023, and January 1, 2024 – June 30, 2024 periods, and Plaintiffs specifically release Defendants from any such further payments. The Parties further stipulate and agree that the Court's approval of their settlement of Plaintiffs' claim for attorneys' fees and expenses shall not be construed to constitute any finding regarding the appropriate hourly rates to be charged by Plaintiffs' counsel for professional services rendered in monitoring and enforcing the Court's October 24, 2008, July 18, 2011, February 2, 2016, and June 27, 2019 orders.

The parties respectfully request that the Court enter an order approving their fees
settlement.

Dated: September 23, 2024

Respectfully submitted by:

/s/ Samantha M. Bartosz

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Respectfully submitted by:

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2024, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DWAYNE B., by his next friend, John Stempfle,)
et al., for themselves and others similarly)
situated,)
Plaintiffs,)
v.)
GRETCHEN WHITMER, in her official capacity)
As Governor of the state of Michigan, *et al.*,)
Defendants.)

No. 2:06-cv-13548
Hon. Nancy G. Edmunds

**ORDER APPROVING JOINT STIPULATION OF THE PARTIES REGARDING
PLAINTIFFS' ATTORNEYS' FEES AND EXPENSES
FOR THE PERIODS 7/1/2022 – 12/31/2022, 10/1/2023 – 12/31/2023, AND 1/1/2024 –
6/30/2024**

The Court, having considered the Parties' Joint Stipulation for Approval of Settlement Regarding Attorneys' Fees and Expenses, notice to the Class having been waived in accordance with prior Order of this Court, and the Court being fully advised,

IT IS HEREBY ORDERED:

1. The Court finds that the Parties' settlement of Plaintiffs' claim for attorneys' fees and expenses for the periods July 1, 2022 – December 31, 2022, October 1, 2023 – December 31, 2023, and January 1, 2024 – June 30, 2024 is fair, reasonable, and adequate pursuant to 42 U.S.C. § 1988;
2. The Court approves the Parties' settlement agreement that Plaintiffs shall be awarded \$47,827.19 to compensate court-appointed Class Counsel for their investment of professional services and expenses in this class action during said period;
3. Defendants shall make full payment of the settlement amount of \$47,827.19 to Plaintiffs within twenty-one (21) days of entry of this Order; and,

4. Neither Plaintiffs nor Plaintiffs' counsel will recover any additional fees, costs, expenses or expenditures of any kind from Defendants for the periods July 1, 2022 – December 31, 2022, October 1, 2023 – December 31, 2023, and January 1, 2024 – June 30, 2024.

ENTERED:

s/Nancy G. Edmunds
Honorable Nancy G. Edmunds
United States District Judge

Dated: September 24, 2024